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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/823,542	03/30/2001	Pedro Costa Pereira	34073-PCT-USA-A-070337.02	8131

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EXAMINER

JOHNSTONE, ADRIENNE C

ART UNIT

PAPER NUMBER

1733

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8

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicant(s)

09/823,542

Applicant(s)

PEREIRA ET AL.

Examiner

Adrienne C. Johnstone

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 29 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 and 5-30 is/are pending in the application.
- 4a) Of the above claim(s) 2 and 3 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 5-18 and 20-30 is/are rejected.
- 7) ☒ Claim(s) 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election of the species wherein the at least two decoupling rubber layers are between and contacting the cords of the two superposed belt reinforcing plies in Paper No. 7 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

2. Claims 2 and 3 stand withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim.

Election was made without traverse in Paper No. 7 (see paragraph 1 above).

### *Claim Rejections - 35 USC § 112*

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 23-30 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. This is a new matter rejection.

Applicants recite in new claim 23 lines 8-9 that "at least two of said rubber decoupling layers is in contact" with the cords of the reinforcing rows, however there is no support in the original disclosure for any rubber decoupling layer between the two reinforcing rows which is not in contact with the cords of the reinforcing rows. One way to overcome this rejection would be to amend lines 8-9 to read -- wherein each of said rubber decoupling layers is in contact with said cords of said reinforcing rows -- as in claim 1.

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5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 26 and 29 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 26 applicants should add the damping ratio measuring conditions as in claims 9 and 18 to clarify how the damping ratio is measured, and in claim 29 line 3 applicants should delete "crown" to provide proper antecedent basis.

*Allowable Subject Matter*

7. The indicated allowability of claims 15-19 is withdrawn in view of the newly discovered reference(s) to Japanese Patent Application 8-142607 A. The delay in citation of this prior art is regretted. Rejections based on the newly cited reference(s) follow.

*Claim Rejections - 35 USC § 103*

8. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

9. Claims 1, 5-8, 10-14, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al. (4,140,166) in view of Cuthbertson et al. (2,541,506) or, alternatively, Cuthbertson et al. (2,541,506) in view of Koyama et al. (4,140,166).

These references are combined for the same reasons as set forth in paragraph 15 of the Office action mailed June 24, 2002 (Paper Number 4). Specifically, Koyama et al. disclose a tire similar to applicants' but wherein the two axially adjacent belt ply coating rubbers of different modulus of elasticity are not disclosed as contacting the cords of two adjacent belt plies (col. 1 line 35 - col. 5 line 22). Cuthbertson et al. teach to provide the belt ply coating rubber layers contacting the cords such that the belt cords are exposed to the adjacent rubber layer on the outer

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side and to its own coating rubber layer on the inner side in order to eliminate trapped air between the tread and adjacent belt plies (col. 1 line 1 - col. 3 line 28, Figures 1-2). It would have been obvious to one of ordinary skill in the art to provide the Koyama et al. tire with the belt ply coating rubber arrangement taught by Cuthbertson et al. in order to eliminate trapped air between the tread and adjacent belt plies.

As to claims 6 and 7, the ratio between the first modulus and the second modulus is  $35/72=0.5$  in invention tire 1,  $35/67=0.5$  in reference tire 2,  $43/64=0.7$  in reference tire 1,  $43/65=0.7$  in reference tire 3,  $35/62=0.6$  in reference tire 4, and  $35/75=0.5$  in invention tire 2.

As to claim 8, the close correspondence of the modulus ratios of the above tire and the claimed tire provide sufficient basis for inferring that the  $\tan \delta$  ratio of the above tire would also meet the claimed limitation of less than 1 (second rubber decoupling layer  $\tan \delta$  less than that of the first layer).

As to claims 10-13, it would have been obvious to one of ordinary skill in the art to provide such conventional circumferentially oriented cord plies covering the belt ply axial edges in the above tire.

As to claim 14, it would have been obvious to one of ordinary skill in the art to provide such conventional H/W aspect ratio for the above tire.

As to the absolute value measurements of the zone of contact between the smaller-width belt ply and the second rubber decoupling layer in claims 20 and 21, there is no limitation on the size of the Koyama et al. tires and therefore the larger size tires would necessarily meet the claimed broad ranges of greater than 5 mm and greater than 20 mm (absolute values mean little without specifying the size of the tire, such as requiring the tire to be a passenger car tire as in the examples in the specification); as to the relative measurement of the zone of contact between the smaller-width belt ply and the second rubber decoupling layer in claim 21, axial half-width

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$a/2$  of the first modulus zone is 85% to 95% of the axial half-width  $c/2$  of the ply, with an exemplary value of 88%, so the axial width of each second modulus zone is 5% to 15% of the axial half-width  $c/2$  of the ply, with an exemplary value of 12%.

Alternatively, Cuthbertson et al. disclose a tire similar to applicants' but without the rubber layers under the belt cords having a second modulus at the axial edges less than a first modulus in the center (col. 1 line 1 - col. 3 line 28, Figures 1-2); however, Koyama et al. teach to set the coating rubber modulus such that axial edge zones have a lower modulus than that of the center zone in order to prevent belt edge separation (col. 1 line 35 - col. 5 line 22). It would therefore have been obvious to one of ordinary skill in the art to provide the rubber layers under the belt cords in the Cuthbertson et al. tire with the modulus gradient taught by Koyama et al. in order to prevent belt edge separation.

As to claims 6 and 7, the ratio between the first modulus and the second modulus is  $35/72=0.5$  in invention tire 1,  $35/67=0.5$  in reference tire 2,  $43/64=0.7$  in reference tire 1,  $43/65=0.7$  in reference tire 3,  $35/62=0.6$  in reference tire 4, and  $35/75=0.5$  in invention tire 2.

As to claim 8, the close correspondence of the modulus ratios of the above tire and the claimed tire provide sufficient basis for inferring that the  $\tan \delta$  ratio of the above tire would also meet the claimed limitation of less than 1 (second rubber decoupling layer  $\tan \delta$  less than that of the first layer).

As to claims 10-13, it would have been obvious to one of ordinary skill in the art to provide such conventional circumferentially oriented cord plies covering the belt ply axial edges in the above tire.

As to claim 14, it would have been obvious to one of ordinary skill in the art to provide such conventional  $H/W$  aspect ratio for the above tire.

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As to the absolute value measurements of the zone of contact between the smaller-width belt ply and the second rubber decoupling layer in claims 20 and 21, there is no limitation on the size of the Cuthbertson et al. tires and therefore the larger size tires would necessarily meet the claimed broad ranges of greater than 5 mm and greater than 20 mm (absolute values mean little without specifying the size of the tire, such as requiring the tire to be a passenger car tire as in the examples in the specification); as to the relative measurement of the zone of contact between the smaller-width belt ply and the second rubber decoupling layer in claim 21, axial half-width  $a/2$  of the first modulus zone is 85% to 95% of the axial half-width  $c/2$  of the ply, with an exemplary value of 88%, so the axial width of each second modulus zone is 5% to 15% of the axial half-width  $c/2$  of the ply, with an exemplary value of 12%.

10. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al. (4,140,166) in view of Cuthbertson et al. (2,541,506) or, alternatively, over Cuthbertson et al. (2,541,506) in view of Koyama et al. (4,140,166), as applied to claims 1, 5-8, 10-14, 20, and 21 above, and further in view of Mechanics of Pneumatic Tires.

It is well known to minimize the damping ratio  $\tan \delta$  (energy loss) in tire rubber compounds in order to minimize heat generation when the tire is in service, as evidenced by Mechanics of Pneumatic Tires (p. 27) for example. It would therefore have been obvious to one of ordinary skill in the art to minimize the damping ratio  $\tan \delta$  of each second rubber decoupling layer in the above tire, within applicants' broad range of less than 0.08, in order to minimize heat generation of the tire.

11. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Koyama et al. (4,140,166) in view of Cuthbertson et al. (2,541,506) or, alternatively, Cuthbertson et al. (2,541,506) in view of Koyama et al. (4,140,166) as applied to claims 1, 5-8, 10-14, 20, and 21 above, and further in view of European Patent Application 0 865 942 A2.

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European Patent Application 0 865 942 A2 teaches to provide belt coating rubber axially beyond the cross belt cords in such tires by up to 5 mm to prevent belt edge separation without the need for a separate end cover rubber layer (p. 5 lines 11-23). It would therefore have been obvious to one of ordinary skill in the art to provide the cross belt layers in the above tire with belt coating rubber axially beyond the cross belt cords in order to further prevent belt edge separation without the need for a separate end cover rubber layer.

12. Claims 1, 5, 10-17, 20, 21, 23-25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 8-142607 in view of Cuthbertson et al. (2,541,506) or, alternatively, Cuthbertson et al. (2,541,506) in view of Japanese Patent Application 8-142607.

Japanese Patent Application 8-142607 discloses a tire similar to applicants' but wherein the two axially adjacent belt ply coating rubbers of different modulus of elasticity are not disclosed as contacting the cords of two adjacent belt plies (abstract, figures, translation). Cuthbertson et al. teach to provide the belt ply coating rubber layers contacting the cords such that the belt cords are exposed to the adjacent rubber layer on the outer side and to its own coating rubber layer on the inner side in order to eliminate trapped air between the tread and adjacent belt plies (col. 1 line 1 - col. 3 line 28, Figures 1-2). It would have been obvious to one of ordinary skill in the art to provide the JP '607 tire with the belt ply coating rubber arrangement taught by Cuthbertson et al. in order to eliminate trapped air between the tread and adjacent belt plies.

As to claims 10-13, it would have been obvious to one of ordinary skill in the art to provide such conventional circumferentially oriented cord plies covering the belt ply axial edges in the above tire.



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As to claims 14, the exemplary aspect ratio is 0.65; in any case, it would have been obvious to one of ordinary skill in the art to provide such conventional H/W aspect ratio for the above tire.

As to claims 15, 16, 23, and 24, the ratio between the edge modulus  $M_e$  and the center modulus  $M_c$  is greater than or equal to 1.3, with exemplary values of 55/42-1.3, 45/32-1.4, 44/30-1.5, and 50/35-1.4.

As to claims 17 and 25, the close correspondence of the modulus ratios of the above tire and the claimed tire provide sufficient basis for inferring that the  $\tan \delta$  ratio of the above tire would also meet the claimed limitation of less than 1 (first rubber decoupling layer  $\tan \delta$  less than that of the second layer).

As to claims 20, 21, 28, and 29, edge modulus width  $W_e$  is 0.1-0.35 times the total belt width, with exemplary values of 49 mm/140 mm = 0.35, 42 mm/140 mm = 0.30, and 55 mm/140 mm = 0.14.

Alternatively, Cuthbertson et al. disclose a tire similar to applicants' but without the rubber layers under the belt cords having a second modulus at the axial edges less than a first modulus in the center (col. 1 line 1 - col. 3 line 28, Figures 1-2); however, JP '607 teaches to set the coating rubber modulus such that axial edge zones have a modulus at least 1.3 times that of the center zone in order to improve steering stability and ride comfort (abstract, figures, translation). It would therefore have been obvious to one of ordinary skill in the art to provide the rubber layers under the belt cords in the Cuthbertson et al. tire with the modulus gradient taught by JP '607 in order to improve steering stability and ride comfort.

As to claims 10-13, it would have been obvious to one of ordinary skill in the art to provide such conventional circumferentially oriented cord plies covering the belt ply axial edges in the above tire.

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As to claim 14, it would have been obvious to one of ordinary skill in the art to provide such conventional H/W aspect ratio for the above tire.

As to claims 15, 16, 23, and 24, the ratio between the edge modulus  $M_e$  and the center modulus  $M_c$  is greater than or equal to 1.3, with exemplary values of  $55/42=1.3$ ,  $45/32=1.4$ ,  $44/30=1.5$ , and  $50/35=1.4$ .

As to claims 17 and 25, the close correspondence of the modulus ratios of the above tire and the claimed tire provide sufficient basis for inferring that the  $\tan \delta$  ratio of the above tire would also meet the claimed limitation of less than 1 (first rubber decoupling layer  $\tan \delta$  less than that of the second layer).

As to claims 20, 21, 28, and 29, edge modulus width  $W_e$  is 0.1-0.35 times the total belt width, with exemplary values of  $49 \text{ mm}/140 \text{ mm} = 0.35$ ,  $42 \text{ mm}/140 \text{ mm} = 0.30$ , and  $55 \text{ mm}/140 \text{ mm} = 0.14$ .

13. Claims 18 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 8-142607 in view of Cuthbertson et al. (2,541,506) or, alternatively, over Cuthbertson et al. (2,541,506) in view of Japanese Patent Application 8-142607, as applied to claims 1, 5, 10-17, 20, 21, 23-25, 28, and 29 above, and further in view of Mechanics of Pneumatic Tires.

It is well known to minimize the damping ratio  $\tan \delta$  (energy loss) in tire rubber compounds in order to minimize heat generation when the tire is in service, as evidenced by Mechanics of Pneumatic Tires (p. 27) for example. It would therefore have been obvious to one of ordinary skill in the art to minimize the damping ratio  $\tan \delta$  of each second rubber decoupling layer in the above tire, within applicants' broad range of less than 0.08, in order to minimize heat generation of the tire.

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14. Claims 22 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese Patent Application 8-142607 in view of Cuthbertson et al. (2,541,506) or, alternatively, Cuthbertson et al. (2,541,506) in view of Japanese Patent Application 8-142607 as applied to claims 1, 5, 10-17, 20, 21, 23-25, 28, and 29 above, and further in view of European Patent Application 0 865 942 A2.

European Patent Application 0 865 942 A2 teaches to provide belt coating rubber axially beyond the cross belt cords in such tires by up to 5 mm to prevent belt edge separation without the need for a separate end cover rubber layer (p. 5 lines 11-23). It would therefore have been obvious to one of ordinary skill in the art to provide the cross belt layers in the above tire with belt coating rubber axially beyond the cross belt cords in order to further prevent belt edge separation without the need for a separate end cover rubber layer.

#### *Double Patenting*

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 5-8, 10-14, and 20-22 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3, 7, 8, 11, and 15 of copending Application No. 09/823,543. Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 1 and 5 of this application are generic to claim 3 of 09/823,543.

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As to claims 6-8, it would have been obvious to one of ordinary skill in the art to combine the features of claims 3 and 11 of 09/823,543 and the close correspondence of the modulus ratios of the 09/823,543 tire and the claimed tire provide sufficient basis for inferring that the  $\tan \delta$  ratio of the 09/823,543 tire would also meet the claimed limitation of less than 1 (second rubber decoupling layer  $\tan \delta$  less than that of the first layer).

As to claims 10-13, it would have been obvious to one of ordinary skill in the art to provide such conventional circumferentially oriented cord plies covering the belt ply axial edges in the 09/823,543 tire.

As to claim 14, it would have been obvious to one of ordinary skill in the art to provide such conventional H/W aspect ratio for the 09/823,543 tire.

As to claims 20 and 21, it would have been obvious to one of ordinary skill in the art to combine the features of claims 3, 7, and 8 of 09/823,543 and, since there is no limitation on the size of the Cuthbertson et al. tires, the larger size tires would necessarily meet the claimed broad ranges for the absolute value measurements of the zone of contact between the smaller-width belt and the second rubber decoupling layer in claims 20 and 21 of greater than 5 mm and greater than 20 mm (absolute values mean little without specifying the size of the tire, such as requiring the tire to be a passenger car tire as in the examples in the specification).

As to claim 22, it would have been obvious to one of ordinary skill in the art to combine the features of claims 3 and 15 of 09/823,543.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

3. Claim 9 is provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 3 and 11 of copending Application No. 09/823,543 in view of Mechanics of Pneumatic Tires.

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It is well known to minimize the damping ratio  $\tan \delta$  (energy loss) in tire rubber compounds in order to minimize heat generation when the tire is in service, as evidenced by Mechanics of Pneumatic Tires (p. 27) for example. It would therefore have been obvious to one of ordinary skill in the art to combine the features of claims 3 and 11 of 09/823,543, the close correspondence of the modulus ratios of the 09/823,543 tire and the claimed tire providing sufficient basis for inferring that the  $\tan \delta$  ratio of the 09/823,543 tire would also meet the claimed limitation of less than 1 (second rubber decoupling layer  $\tan \delta$  less than that of the first layer) and to minimize the damping ratio  $\tan \delta$  of each second rubber decoupling layer in the above tire, within applicants' broad range of less than 0.08, in order to minimize heat generation of the tire.

This is a provisional obviousness-type double patenting rejection.

*Response to Arguments*

15. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, as clearly set forth in paragraph 15 of the Office action mailed June 24, 2002 (Paper Number 4), the Cuthbertson et al. teachings eliminate trapped air between the tread and adjacent belt plies and the Koyama et al. teachings prevent belt edge separation, both clearly desirable outcomes in tire construction.

16. In response to applicant's argument based upon the age of the references, contentions that the reference patents are old are not impressive absent a showing that the art tried and failed to

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solve the same problem notwithstanding its presumed knowledge of the references. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332 (CCPA 1977).

17. In response to applicant's argument that one of ordinary skill in the art would not know how to make a rubber layer with axially adjacent portions having different mechanical properties, Koyama et al. specifically discloses making such a rubber layer and therefore applicant's argument constitutes an argument that Koyama et al. is not enabled, which is not persuasive because applicant has not presented evidence rebutting the presumption of enablement of the reference. See MPEP 2121:

*Allowable Subject Matter*

18. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adrienne C. Johnstone whose telephone number is (703)308-2059. The examiner can normally be reached on Monday-Friday, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Ball can be reached on (703)308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9311 for regular communications and (703)872-9310 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0661.

Adrienne C. Johnstone  
Primary Examiner  
Art Unit 1733

Adrienne Johnstone  
January 27, 2003

A handwritten signature in cursive script that reads "Adrienne C. Johnstone". The signature is written in dark ink and is positioned to the right of the typed name and title.